

FORM PTO-1083

ASSISTANT COMMISSIONER FOR PATENTS

Alexandria, VA

In re application of:

Serial No.:

Filed:

For:

Sir:

Wilhelm BERKULIN et al.

09/986,116

November 7, 2001

PROCESS FOR PREPARING DRY EXTRACTS

Docket No.: 541.1038

Date: October 7, 2003

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Transmitted herewith is a **Supplemental Information Disclosure Statement** in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:
- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
- ☒ Other: -Form PTO-1449 (2 sheets) and references cited therein
-Exhibit A- which contains specifications and pending claims of copending applications
- ☒ Check(s) in the amount of **\$180.00** is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
- ☐ Petition fee for extension under 37 C.F.R. 1.136
- ☒ Other: Information Disclosure Statement
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


Cary S. Kappel, Reg. No. 36,561
DAVIDSON, DAVIDSON & KAPPEL, LLC
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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on October 7, 2003.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:


Kareem Stevens



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UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Christopher Tate Art Unit: 1654
Re: Application of: Wilhelm BERKULIN et al.
Serial No.: 09/986,116
Filed: November 7, 2001
For: **PROCESS FOR PREPARING DRY
EXTRACTS**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 7, 2003

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (2 sheets) for consideration by the Examiner in connection with the examination of the above-identified patent application. Pursuant to 37 C.F.R. § 1.98 (a), the references listed on the attached Form PTO-1449 are enclosed. If it is determined that any of the listed references are not presently enclosed, the Examiner is requested to contact the undersigned so that a copy can be forwarded. It is respectfully requested that the references cited in the accompanying Form PTO-1449 be considered and made of record.

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 08-09-03 BY 60320

Applicants also respectfully advise the Examiner of the following co-pending U.S. patent applications which are commonly assigned to the owners of the instant application:

U.S. Patent Application Serial No. 10/290,121, filed November 7, 2002, entitled "Process For Preparing Dry Extracts";

U.S. Application Serial No. 10/256,855, filed September 27, 2002, entitled "Process For Co-Spray Drying Liquid Herbal Extracts With Dry Silicified MCC";

U.S. Application Serial No. 10/256,826, filed September 27, 2002, entitled "Agglomerated Particles Including An Active Agent Coprocessed With Silicified Microcrystalline Cellulose".

Pursuant to 37 C.F.R. § 1.98 (a)(2)(iii) the Examiner's attention is directed to Exhibit A attached herewith which contains the specifications and claims for pending applications serial nos. 10/256,855, 10/256,826, and 10/290,121.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) before the mailing of a final Office Action on the merits. Accordingly, a check in the amount of \$180.00 is enclosed. If it is determined that any additional fee is due, the Examiner is authorized to charge said fee to Attorney Deposit Account No. 50-0552.

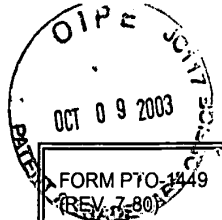
Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

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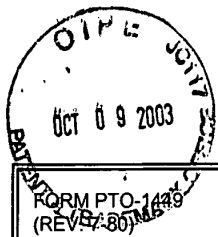


FORM PTO-449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.: 541.1038		SERIAL NO.: 09/986,116								
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT(S): Wilhelm BERKULIN, et al.										
				FILING DATE: November 7, 2001		GROUP: 1654								
U.S. PATENT DOCUMENTS														
*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5	4	6	6	4	5	2	11-14-1995	Whittle	424	195.1		
	AB	6	1	9	0	6	9	6	02-20-2001	Groenewoud	424	464		
	AC	5	7	9	8	1	0	1	08-25-1998	Haveson	424	195.1		
	AD	6	1	5	3	2	2	0	11-28-2000	Cummings, et al.	424	464		
	AE	5	7	0	9	8	8	0	01-20-1998	Del Corral, et al.	424	464		
	AF	4	5	3	3	6	7	4	08-06-1985	Schmidt, et al.	514	474		
	AG	5	5	8	5	1	1	5	12-17-1996	Sherwood, et al.	424	489		
	AH	5	7	2	5	8	8	3	03-10-1998	Staniforth, et al.	424	489		
	AI	5	7	3	3	5	7	8	03-31-1998	Hunter, et al.	424	489		
	AJ	5	7	4	1	5	2	4	04-21-1998	Staniforth, et al.	424	489		
	AK	6	3	9	5	3	0	3	05-28-2002	Staniforth, et al.	424	499		
	AL	6	2	1	7	9	0	7	04-17-2001	Hunter et al.	424	489		
	AM	6	1	0	6	8	6	5	08-22-2000	Staniforth et al.	424	489		
	AN	5	8	6	6	1	6	6	02-02-1999	Staniforth et al.	424	489		
	AO	6	2	1	7	9	0	9	04-17-2001	Sherwood et al.	424	494		
	AP	6	3	5	8	5	3	3	03-19-2002	Sherwood et al.	424	494		
	AQ	6	1	0	3	2	1	9	08-15-2000	Sherwood et al.	424	494		
	AR	6	5	2	1	2	6	1	02-18-2003	Sherwood et al.	424	494		
	AS	5	7	2	5	8	8	4	03-10-1998	Sherwood et al.	424	489		
	AT	6	3	8	3	5	2	6	05-07-2002	Andrews et al.	424	733		
FOREIGN PATENT DOCUMENTS														
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO
	AU	99	1	5	1	5	5	A1	04-01-1999	WO	A61K	9/20		
EXAMINER									DATE CONSIDERED					
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.														

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FORM PTO-1649 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTY. DOCKET NO.: 541.1038		SERIAL NO.: 09/986,116						
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)						APPLICANT(S): Wilhelm BERKULIN et al.								
						FILING DATE: November 7, 2001		GROUP: 1654						
U.S. PATENT DOCUMENTS														
*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	BA	6	3	9	1	3	3	7	05-21-2002	Hunter et al.	424	474		
	BB	5	9	6	5	1	6	6	10-12-1999	Hunter et al.	424	489		
	BC	5	8	5	8	4	1	2	01-12-1999	Staniforth et al.	424	489		
	BD													
	BE													
	BF													
	BG													
	BH													
	BI													
	BJ													
	BK													
FOREIGN PATENT DOCUMENTS														
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO
	BL													
	BM													
	BN													
	BO													
	BP													
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)														
	BR													
	BS													
	BT													
EXAMINER					DATE CONSIDERED									
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.														

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